

1887-007 Chancery Causes: John B. Barker vs. Samuel Clarkson
Lee Co.

CA-Debt
T-Property

To The Hon. John A. Kelly Judge
of the Circuit Court of Lee County Va
The bill of Complaint of John B.
Barker, who humbly Complaining
would respectfully represent
that heretofore, to wit on the 30th day
of May 1885. Your orator obtained
before a Justice of the peace two
Judgements against Samuel Clarkson
one for the sum of \$82.28 with legal
interest thereon from the said date, 30th May
1885. and \$1.55 Costs. The other was for
\$40. and interest from the 13th day of March
1884, till paid and like Costs of \$1.55. Upon
these executions issued and have been re-
turned by a Constable no property
found. The have been also returned
to the Clerks office and docketed duly
and properly there and indexed as
the Law requires - A transcript of these
said Judgements marked "A" are herewith
filed, and prayed to be considered here-
with as part hereof.

Your orator is advised that his said
Judgements so docketed as aforesaid Con-
stitutes a lien upon said Clarkson's
real estate situated in said County
The said Samuel Clarkson, owns a
small farm in said County in the

Crab Orchard neighborhood wherein
he resides, the rents and profits of
which will not in five years pay
your orator's debt interest and costs.

The object of this bill therefore is
to have said lien enforced and so
much of said land sold as will
pay said two judgements and costs
and the costs of this suit.

The premises considered therefore
your orator prays that Samuel
Clarkson be made a party de-
fendant to this bill and answer its
allegations upon oath and upon a
hearing a decree be rendered en-
forcing said lien and selling so
much of said land as may be
found necessary to pay the same.

And for all other further
and general relief may your
honor issue &c.

A. L. Protemore
P.L.

le ^{Dec 4 1886}
 4.95 to Mr. 1886
 3 .50
 15.00
 Estimate 20.45
 2.03

P
 John B. Barker

Bill Chy

Samuel Clarkson

1886 Feb. ^{received} Sp. Exp. & D. Chis.
 " March D. Ch. Conf. and
 Cause set for hearing.
 " March Term Decree
 for hearing
 " August in. Court of,
 1887. Motion Court of,
 " Nov. Decree final

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia:

The Answer of Samuel Clarkson
to a bill filed in this Honorable Court against him
by John B. Barker

Respondent says he supposes it is true that
the plaintiff obtained the two judgments at law re-
ferred to in his bill for the sums therein mentioned
& for interest and costs as stated:

And it is possible that executions may have been
issued thereon, and returned as stated by the Plff

It is also true as stated by the plaintiff, that
his said two judgments, operate as liens upon any
real estate owned by respondent.

And respondent says it is also true that he owns
real estate lying in the Crab Orchard Country & on the
south side of the Little Black Mountain

But respondent says it is not true as charged
by the plaintiff, that the rents and profits of his land
will not in five years pay said two judgments
but the truth is the rents and profits of respondents
land will pay said two judgments in less than
five years, and he is advised that a court of
equity will not and cannot legally decree land
to be sold when the rents and profits thereof will
in five years pay the claim

And respondent having now answered as fully as and
necessary he prays that Plffs bill be dismissed & costs
decree respondent:

H. J. Morgan for Respondent

I do swear that the statements of the foregoing
answer are true as I verily believe so help me god,
Samuel Clarkster

Sworn to before me the 23 day of March 1886

Henry J. Morgan Comr.

Samuel Clarkson

Ads } Answer
3

John B. Barker

Filed in open
Court by leave
thereof March 25
1886.

J. A. Lydgate

John Barker

Plff

v

Samuel Clarkson. Deft

} In chg.

On the
motion of the plff, this
cause is dismissed, subject
to the right of the plff to
hereafter enforce his judgment
here for the debt & costs of
this suit against the land of
the defendant, purchased by
Hurst & Shelburne from him
during the pendency of this
suit - And the cause is so
stricken from the docket.

1889-1 30
 1885-5 30

 3,128

 368

 44

83.83

82.28

22

16456

16456

18,10.16

83.83

101935

55965

2208

27.62

101.93

129.55

4.95

124.60

John B. Barker
 as ³/₃ Decree

Samuel Clarkson

Entered page 96

C.O.B. No 3

J. A. Lyette

Enter
 H. S. K. M.

Decr. 8th 1887

John B. Barker, Peff.
 Against } Drchy
 Samuel Clarkson. west
 this

This Cause came on this day to be heard upon the bill of the plaintiff and exhibits filed; the answer of the defendant and replication thereto and was argued by Counsel - On Consideration whereof and for reasons appearing to the Court it is adjudged ordered and decreed that the plaintiff recover against the defendant the sum of \$83.83 and legal interest on \$82.28 from the 30th day of May 1885, and the Costs of this suit to be taxed by the Clerk - And unless the defendant or some one for him pay the same to the plaintiff within 30 days from the rising of this Court then Reese D. Flanery Sheriff of this County will rent the land in the bill mentioned for the shortest period it will pay the terms of this decree - He will require the Costs of suit & sale paid down and for the residue take bonds payable to himself, for each year

John B. Barker

v³ Decree for

Rent

Samuel Lelarkson

March 7. 1886

Entered Page 581-2

J. P. Barker & Co.

Enter this

March 26. 1886.

h. c. a. s.

rent. He will rent by public
out cry to the highest bidder, on
some Court day in front of the
Court House door. But before
proceeding to do so he will
post notice for at least 30 days
on the front door of the Court
House and at one or more
public place in the neighbor-
hood where the land lies setting
out time, terms and place of sale.
He will report his action to this Court
at some future term and the cause
is continued.

Name and Description and Residence of Parties

Date of Judg	Court	Date of Docket	John B. Barker of Lee Co va Plff. v. S. Samuel Clarkson of Lee County va Deft	Debt
May 30 1885	Justices Judgment	June 11 1885		

Judgement for \$82.28 with interest thereon from
 the 30th day of May 1885, till paid and the Costs
 J.P. \$1.00 C. 55. Attest Lest John R. Gibson. clrk

May 30	Justices	June 11	John B. Barker Lee Co va. Plff. v.	(Debt
1885	Judgment	1885		

Samuel Clarkson of Lee Co va Deft

Judgement for \$40.00 with interest thereon from 18th
 day of March 1884, till paid & the Costs J.P. \$1.00 C. 55--
 Attest
 Lest John R. Gibson clrk

John B. Berker

vs Copy Judgment

Samuel Clarkson

Exhibit

"A"

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

Samuel Clarkson

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

February
him

next being rule day to answer a bill in Chancery exhibited in our said Court against

by

John B. Barker

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

23rd

day of

January

1886

, in the 10

year of the Commonwealth.

J. A. G. Hyatt

Clerk.

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John D. Barker
vs $\frac{1}{2}$ Spasichay
Samuel Clarkson

To February Rules 1886

Executed by delivering
an office copy of this
Spa to the wife of
Samuel Clarkson
a member of his
family over 16 years
old & by reading &
explaining the same
to her he not being
found at his usual
place of abode
January 27th 1886.
R. D. Filanigan S. L. C.

Spec 50